

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

HAROLD JOE BLACK

CIVIL ACTION NO. 10-0094-P

VERSUS

JUDGE S. MAURICE HICKS, JR.

WARDEN, DAVID WADE CORRECTIONAL
CENTER

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the Court is a Motion for Reconsideration¹ (Record Document 21) filed by Petitioner Harold Joe Black ("Black"). Black moves the Court to reconsider the Judgment adopting the Report and Recommendation and dismissing petitioner's writ of *habeas corpus*.

The arguments raised by Black in his newly filed motion for reconsideration in no way change this Court's analysis as articulated in both the Report and Recommendation (Record Document 10) and footnote 1 of the Judgment adopting the Report and Recommendation (Record Document 19). Black is not currently in custody under the sentence he seeks to attack and this Court does not have subject-matter jurisdiction over the matter. Furthermore, Black has failed to demonstrate that the exceptions carved out in Lackawanna County Dist. Attorney v. Coss, 532 U.S. 394, 121 S. Ct. 1567 (2001) are applicable to the present case.

Accordingly,

¹"While the Federal Rules of Civil Procedure do not provide for a motion for reconsideration, such a motion may be considered either a Rule 59(e) motion to alter or amend judgment or a Rule 60(b) motion for relief from judgment or order. If the motion is filed within [28] days of the judgment or order of which the party complains, it is considered a Rule 59(e) motion; otherwise, it is treated as a Rule 60(b) motion." Shepherd v. Int'l Paper Co., 372 F.3d 326, 328 (5th Cir. 2004).

IT IS ORDERED that the Motion for Reconsideration (Record Document 21) filed by Petitioner Harold Joe Black is **DENIED**.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 31st day of May, 2013.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE